



General Assembly

February Session, 2008

Raised Bill No. 5773

LCO No. 2530

02530_____GL_

Referred to Committee on General Law

Introduced by:
(GL)

***AN ACT ESTABLISHING A CONNECTICUT COMMUNITY
ASSOCIATION COMMISSION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-462 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective January 1, 2009*):

3 Any person aggrieved by an order or decision of the commission
4 under sections 20-450 to 20-462, inclusive, of the 2008 supplement to
5 the general statutes, as amended by this act, may appeal [therefrom]
6 from such order or decision in accordance with the provisions of
7 section 4-183.

8 Sec. 2. (NEW) (*Effective January 1, 2009*) (a) There is established in
9 the Department of Consumer Protection the Connecticut Community
10 Association Commission.

11 (b) The commission shall consist of eight persons who shall be
12 electors of the state and appointed by the Governor. Four of the
13 members shall be, at the time of appointment, registered community
14 association managers, except the initial appointees shall be registered

15 at the time of or within one month after appointment and four of the
16 members shall be public members. Not more than a bare majority of
17 the commission shall be members of the same political party and there
18 shall be at least one member from each congressional district.

19 (c) The members of the commission shall serve until the expiration
20 of the term for which they were appointed and until their successors
21 have qualified. Members shall not be compensated for their services
22 but shall be reimbursed for necessary expenses incurred in the
23 performance of their duties. The Governor may remove any member
24 for cause upon notice and an opportunity to be heard. Upon the death,
25 resignation or removal of a member, the Governor shall appoint a
26 successor to serve for the unexpired portion of the vacated term and
27 until such member's successor is appointed and qualifies. Each
28 member shall, before entering upon such member's duties, take and
29 file with the commission an oath to faithfully perform the duties of
30 such member's office.

31 Sec. 3. (NEW) (*Effective January 1, 2009*) (a) Not later than thirty days
32 after the appointment of the members of the commission pursuant to
33 section 2 of this act, the commission shall meet in the city of Hartford
34 for the purpose of organizing, as the commission may deem necessary
35 and appropriate. A majority of the members of the commission shall
36 constitute a quorum for the exercise of the powers or authority
37 conferred upon it.

38 (b) The commission shall be provided with the necessary office
39 space in Hartford by the Commissioner of Public Works. The place of
40 business of the commission and all files, records and property of the
41 commission shall at all times be and remain at such office, except
42 inactive files shall be stored at a location designated by the
43 commission.

44 (c) The commission shall hold meetings and hearings in Hartford, in
45 space provided by the Commissioner of Administrative Services, or at
46 such places outside of Hartford as shall be determined by the

47 chairperson of the commission. The commission shall meet at least
48 once in each three-month period and may meet more often at the call
49 of its chairperson. The chairperson of the commission shall call a
50 meeting of the commission whenever requested to do so by a majority
51 of the members of the commission.

52 (d) The commission shall vote on all matters requiring a decision
53 and votes shall be recorded in the commission's minutes.

54 Sec. 4. (NEW) (*Effective January 1, 2009*) The commission shall
55 investigate and resolve complaints of violations of chapter 825 or 828
56 of the general statutes or of association bylaws by associations or the
57 governing boards or officers of such associations. A complainant shall
58 file, on forms prescribed by the commission, any information deemed
59 relevant to the resolution of the dispute and shall return the form
60 accompanied by a filing fee of twenty-five dollars. Such complaint
61 form shall offer the consumer a choice of presenting any subsequent
62 testimony orally or in writing. The commission shall conduct an initial
63 review of the complaint. The filing fee shall be refunded if the
64 commission determines that a complaint does not allege a violation of
65 any provision of chapter 825 or 828 of the general statutes or of
66 association bylaws by associations or the governing boards or officers
67 of such associations. Upon acceptance of the complaint, the
68 commission shall notify the association and shall obtain from the
69 association, in writing on a form prescribed by the commission, any
70 information deemed relevant to the resolution of the dispute. The
71 association shall return the form within fifteen days of receipt, together
72 with a filing fee of twenty-five dollars. The commission may hold a
73 hearing conducted in accordance with the provisions of chapter 54 of
74 the general statutes. In connection with such hearing, the commission
75 may administer oaths, issue subpoenas, compel testimony and order
76 the production of books, records and documents. After such hearing,
77 the commission may order the association, the association governing
78 board or officer to comply with the provisions of chapter 825 or 828 of
79 the general statutes or the association bylaws, impose a civil penalty of

80 up to one hundred dollars per day not to exceed one thousand dollars
81 in aggregate for failure to comply with such order or order such other
82 relief as it deems equitable. Upon request of the commission, the
83 Attorney General may bring an action in the Superior Court to enforce
84 any order of the commission and to recover any applicable civil
85 penalty or to apply for an order temporarily or permanently
86 restraining and enjoining any person from violating any provision of
87 chapter 825 or 828 of the general statutes or of bylaws of the
88 association.

89 Sec. 5. Section 21a-6 of the general statutes is repealed and the
90 following is substituted in lieu thereof (*Effective January 1, 2009*):

91 The following boards shall be within the Department of Consumer
92 Protection:

93 (1) The Architectural Licensing Board established under chapter
94 390;

95 (2) Repealed by P.A. 93-151, S. 3, 4;

96 (3) The examining boards for electrical work; plumbing and piping
97 work; heating, piping, cooling and sheet metal work; elevator
98 installation, repair and maintenance work; fire protection sprinkler
99 systems work and automotive glasswork and flat glass work
100 established under chapter 393;

101 (4) The State Board of Television and Radio Service Examiners
102 established under chapter 394;

103 (5) The Commission of Pharmacy established under chapter 400j;

104 (6) The State Board of Landscape Architects established under
105 chapter 396;

106 (7) Deleted by P.A. 98-229;

107 (8) The State Board of Examiners for Professional Engineers and

108 Land Surveyors established under chapter 391;

109 (9) Repealed by P.A. 80-484, S. 175, 176;

110 (10) The Connecticut Real Estate Commission established under
111 chapter 392;

112 (11) The Connecticut Real Estate Appraisal Commission established
113 under chapter 400g;

114 (12) The State Board of Examiners of Shorthand Reporters
115 established under chapter 400l;

116 (13) The Liquor Control Commission established under chapter 545;

117 (14) Repealed by P.A. 06-187, S. 99, effective October 1, 2006;

118 (15) The Home Inspection Licensing Board established under
119 section 20-490a;

120 (16) The Connecticut Community Association Commission
121 established pursuant to section 2 of this act.

122 Sec. 6. Section 20-451 of the general statutes is repealed and the
123 following is substituted in lieu thereof (*Effective October 1, 2008*):

124 No person shall hold himself out to be a community association
125 manager or provide association management services without first
126 obtaining a certificate of registration as provided in sections 20-450 to
127 20-462, inclusive, of the 2008 supplement to the general statutes, as
128 amended by this act.

129 Sec. 7. Section 20-452 of the general statutes is repealed and the
130 following is substituted in lieu thereof (*Effective October 1, 2008*):

131 (a) Any person seeking a certificate of registration shall apply to the
132 department in writing, on a form provided by the department. Such
133 application shall include the applicant's name, residence address,

134 business address, business telephone number and such other
135 information as the department may require.

136 (b) Each application for a certificate of registration as a community
137 association manager shall be accompanied by an application fee of
138 sixty dollars and a registration fee of one hundred fifty dollars. The
139 department shall refund the registration fee if it refuses to issue a
140 certificate of registration.

141 Sec. 8. Subsection (d) of section 20-457 of the general statutes is
142 repealed and the following is substituted in lieu thereof (*Effective*
143 *October 1, 2008*):

144 (d) All certificates issued under the provisions of sections 20-450 to
145 20-462, inclusive, of the 2008 supplement to the general statutes, as
146 amended by this act, shall expire annually on the thirty-first day of
147 January. The fee for renewal of a certificate shall be one hundred fifty
148 dollars.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2009</i>	20-462
Sec. 2	<i>January 1, 2009</i>	New section
Sec. 3	<i>January 1, 2009</i>	New section
Sec. 4	<i>January 1, 2009</i>	New section
Sec. 5	<i>January 1, 2009</i>	21a-6
Sec. 6	<i>October 1, 2008</i>	20-451
Sec. 7	<i>October 1, 2008</i>	20-452
Sec. 8	<i>October 1, 2008</i>	20-457(d)

Statement of Purpose:

To establish a commission to investigate and resolve complaints of violations of chapter 825 or 828 of the general statutes, or of association bylaws by associations or the governing boards or officers of such associations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]